

**C. IDALBERTO & ELOISA RODRIGUEZ**  
**(Applicant)**

**06-6-CZ10-2 (05-322)**  
**Area 10/District 6**  
**Hearing Date: 7/11/06**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ / lease ☐ the property predicated on the approval of the zoning request?  
Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
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NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 10  
MOTION SLIP**

**3**

APPLICANT'S NAME:           IDALBERTO & ELOISA RODRIGUEZ          

REPRESENTATIVE:           HERMINIO SAN ROMAN          

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-6-CZ10-2 (05-322)	JUNE 13, 2006	CZAB10	06

**REQ: (1)** RU-1 to RU-5A...OR...**(2)** UV RU-5A uses in RU-1. & W/EITHER: (3) 2-way drive 16' wide. (4) Office bldg stbk 7.73' int. (5) 4 buffer trees & 3' wide landscaped strip. (6) 80 shrubs. (7) Waive Z reg to permit 40' ded. (8) Lot frontage 66.67' & lot area 8,067.07 sq. ft. (9) 23% landscaped open space OR ALT TO #7 - #9, THE FOLLOWING: (10) Lot frontage 66.67' street & lot area 7,400 sq. ft. (11) 20% landscaped open space. (12) Waive 2 street trees & permit 1' wide landscaped buffer.

**REC: DWOP**

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>JULY 11, 2006</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> TO READVERTISE AT COUNTY'S EXPENSE		

TITLE	M/S	NAME	YES	NO	ABSENT
VICE-CHAIRMAN	<b>S</b>	Juan Carlos ACOSTA	<b>X</b>		
MR.	<b>M</b>	Javier A. BETANCOURT	<b>X</b>		
MR.		Julio R. CACERES			<b>X</b>
MR.		Manuel CASAS	<b>X</b>		
MR.		Jose GARRIDO (C.A.)	<b>X</b>		
CHAIRMAN		Carlos A. MANRIQUE	<b>X</b>		
VOTE:			<b>5</b>	<b>0</b>	

EXHIBITS: ☐ YES ☒ NO

COUNTY ATTORNEY: DAVID HOPE

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

**APPLICANT:** Idalberto & Eloisa Rodriguez

**PH:** Z05-322 (06-6-CZ10-2)

**SECTION:** 13-54-40

**DATE:** July 11, 2006

**COMMISSION DISTRICT:** 6

**ITEM NO.:** C

**A. INTRODUCTION**

o **REQUESTS:**

- (1) RU-1 to RU-5A

OR IN THE ALTERNATIVE TO REQUEST #1:

- (2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

AND WITH EITHER REQUEST:

- (3) Applicant is requesting to permit a two way drive 16' in width (20' required).
- (4) Applicant is requesting to permit an office building setback a minimum of 7.73' (15' required) from the interior side (west) property line.
- (5) Applicant is requesting to permit 4 buffer trees (9 required) and provide a landscape strip of 3' (5' required) between dissimilar land uses along the east and south property lines.
- (6) Applicant is requesting to permit 80 shrubs (140 required).
- (7) Applicant is requesting to waive the zoning regulations requiring SW 24 Street to be 100' in width; to permit 40' of dedication (50' required) for the south half of Coral Way.
- (8) Applicant is requesting to permit a lot frontage of 66.67' (75' required) and a lot area of 8,067.07 sq. ft. (10,000 sq. ft. required).
- (9) Applicant is requesting to permit 23% (25% required) landscaped open space.

OR IN THE ALTERNATIVE TO REQUESTS #7 - #9, THE FOLLOWING:

- (10) Applicant is requesting to permit a lot frontage of 66.67' (75' required) and a lot area of 7,400 sq. ft. (10,000 sq. ft. required).
- (11) Applicant is requesting to permit 20% (25% required) landscaped open space.
- (12) Applicant is requesting to waive the 2 required street trees and to permit a 1' wide landscape buffer (7' required) along the right-of-way.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #4 and #8 – #11 may be considered under Section 33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) and approval of requests #3 – #12 under Section 33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Building Remodeling," as prepared by Ruben J. Pujol, A.I.A., dated 8/8/05 and consisting of 2 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application is requesting a district boundary change from RU-1 to RU-5A in order to allow office uses on the property. In the alternative to said zone change request, a use variance to permit RU-5A uses in the RU-1 zoning district is being sought. Requests to permit a two-way drive 16' in width where 20' is required, to permit an office building setback a minimum of 7.73' where 15' is required from the interior side (east) property line, to permit 4 buffer trees where 9 trees are required and provide a landscape strip of 3' where 5' is required between dissimilar land uses along the east and south property lines, to permit 80 shrubs where 140 shrubs are required and to waive the zoning regulations requiring SW 24 Street to be 100' in width to permit a 40' right-of-way dedication where 50' is required for the south half of Coral Way, to permit a lot frontage of 66.67' where 75' is required and a lot area of 8,067 sq. ft. where 10,000 sq. ft. is required and to permit a 23% landscape open space where 25% is required are also being sought. In the alternative to the waiver of right-of-way, the lot area, frontage and landscape open space requests, the applicant is seeking requests to permit a lot frontage of 66.67' where 75' required and a lot area of 7,400 sq. ft. where 10,000 sq. ft. is required, to permit 20% of landscape open space where 25% is required, to waive the required street trees and to permit a 1' wide landscape buffer along the right-of-way where 7' is required.

o **LOCATION:**

6422 SW 24 Street, Miami-Dade County, Florida.

o **SIZE:** 66.67' x 121'

o **IMPACT:**

This application would allow the applicants to provide office space for the community. However, the requests could adversely impact the abutting residential properties and will bring additional traffic and noise to the surrounding area.

**B. ZONING HEARINGS HISTORY:** None.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.
2. Office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area (Land Use Element, page I-29).
3. In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller (Land Use Element, page I-29-30). Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the

intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.

4. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-1; single family residence

Low Density Residential, 2.5 to 6 dua

**Surrounding Properties:**

**NORTH:** RU-1; single-family residences

Low Density Residential, 2.5 to 6 dua

**SOUTH:** RU-1; single-family residences

Low Density Residential, 2.5 to 6 dua

**EAST:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

**WEST:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

The subject parcel is located at 6422 SW 24 Street. The surrounding area is predominately developed with single-family residences. Office uses are can be found on the north side of SW 24 Street and on a property 6 parcels to the west.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:

**Unacceptable**

Landscape Treatment:

**Unacceptable**

Open Space:

**Unacceptable**

Buffering:

**Unacceptable**

Access:

**Unacceptable**

Parking Layout/Circulation:

**Unacceptable**

Visibility/Visual Screening:

**Unacceptable**

Energy Considerations:

**N/A**

Roof Installations:

**N/A**

Service Areas:

**N/A**

Signage:

**N/A**

Urban Design: N/A

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(4)(a) Use Variance.** The Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of

the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**Section 33-311(A)(20) Alternative Site Development Option For Semi-Professional Office Buildings and Structures.** This subsection provides for the establishment of an alternative site development option, after public hearing, for semi-professional office buildings and structures, when such uses are permitted by the underlying district regulations, in the RU-5 and RU-5A zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

**(c) Setbacks** for a principal building, or accessory building or structure in the RU-5A, shall be approved after public hearing upon demonstration of the following:

- (1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
- (2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
- (3) the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than twenty percent (20%) of the landscaped open space percentage required by the applicable district regulations; and
- (4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
- (5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which



the installations are located, and shall be designed as an integral part of and harmonious with the building design; and

- (6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
- (7) the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- (8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
- (9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
- (10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and
- (11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- (12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
  - (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
  - (B) if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

- (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
- (13) any structure within an interior side setback required by the underlying district regulations:
  - (A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
  - (B) is screened from adjoining property by an opaque fence or wall at least five (5) feet in height, if located adjoining or adjacent to a discordant use, that meets the standards set forth in paragraph (g) herein; and
- (14) any structure in the RU-5A district not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- (15) when a principal building, or accessory building in the RU-5A district, is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
- (16) safe sight distance triangles shall be maintained as required by this code; and
- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code; and
- (18) the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (July 11, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
  - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, interior side setbacks shall not be reduced by more than twenty-five percent (25%) of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

- (B) side street setbacks shall not be reduced by more than twenty-five percent (25%) of the underlying district regulations;
- (C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five percent (25%) of the setbacks required by the underlying district regulations; and
- (D) rear setbacks shall not be reduced below fifty percent (50%) of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, rear setbacks shall not be reduced below twenty-five percent (25%) of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

\* \* \*

- (e) An alternative amount of **landscaped open space** shall be approved upon demonstration of the following:
  - (1) landscaped open space shall not be decreased by more than twenty percent (20%) of the landscape open space required by the applicable district regulations; and
  - (2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
  - (3) the landscaped open space provided shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen non-compatible uses and block noise generated by major roadways and intense use areas; and
  - (4) the landscaped open space provided shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities; and
  - (5) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity.
  - (6) the installation of the required percentage of landscaped open space on an industrial site containing an existing building, would necessitate a decrease in the number of parking spaces provided, or necessitate a decrease in the square footage of an existing building on the site; and
  - (7) the total number of lot or street trees shall be increased by twenty percent (20%) greater than the number required by the underlying zoning district regulations.

or by an additional twenty percent (20%) of the number of trees previously approved, whichever number is greater, and provided such trees are provided on site or within adjacent rights-of-way; said trees to be of a type and size as required by Chapter 18A; and

- (8) A prorata additional number of shrubs shall be provided commensurate with the trees in (7) above; said shrubs to be of a number, type and size as required by Chapter 18A.

\* \* \*

(f) An alternative **lot area and frontage** shall be approved upon a demonstration of at least one of the following:

- (1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:
  - (A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and
  - (B) the proposed alternative development will not result in the further subdivision of land; and
  - (C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and
  - (D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; or eighty-five percent (85%) of the underlying district regulations for an older subdivision of land caused by a conveyance or device of record prior to August 2, 1938, or a platted unrevoked subdivision recorded prior to August 2, 1938; and
  - (E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - (F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; or eighty-five percent (85%) of the underlying district regulations for older subdivisions of land caused by a conveyance or device of record prior to August 2, 1938, or a platted unrevoked subdivision recorded prior to August 2, 1938, except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and
  - (G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

- (2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:
  - (A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and
  - (B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (July 11, 2003); and
  - (C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and
  - (D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - (E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment, or
- (3) the proposed lot area and frontage is such that:
  - (A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and
  - (B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and
  - (C) no lot area shall be less than the smaller of:
    - (i) ninety percent (90%) of the lot area required by the applicable district regulations; or
    - (ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and
  - (D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - (E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

\* \* \*

(k) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
- (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

\* \* \*

(l) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any enterprises proposed within the approved development and the quality of life of residents and business tenants of the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed commercial development, the following shall be considered:

- (A) the types of needs of the residents or business tenants of the immediate vicinity and the needs of the occupants of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- (B) the proportionality between the impacts on the residents, business tenants or occupants of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional landscape open space.

**G. NEIGHBORHOOD SERVICES:**

DERM	No objection*
Public Works	Objects
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

This item was deferred from the June 13, 2006 meeting for readvertisement. The subject property is located at 6422 SW 24 Street. The applicants are seeking a zone change from RU-1, Single-family Residential District, to RU-5A, Semi-Professional Office District (request #1). In the alternative to this request, the applicants are seeking a use variance to allow RU-5A uses in the RU-1 zone (request #2). Requests to permit a two-way drive 16' in width where 20' is required (request #3); to permit an office building setback a minimum of 7.73' where 15' is required from the interior side (east) property line (request #4); to permit 4 buffer trees where 9 trees are required and provide a landscape strip of 3' where 5' is required between dissimilar land uses along the east and south property lines (request #5); to permit 80 shrubs where 140 shrubs are required (request #6); to waive the zoning regulations requiring SW 24 Street to be 100' in width to permit a 40' right-of-way dedication where 50' is required for the south half of Coral Way (request #7); to permit a lot frontage of 66.67' where 75' is required and a lot area of 8,067 sq. ft. where 10,000 sq. ft. is required (request #8) and to permit a 23% landscape open space where 25% is required (request #9) are also being sought. Should request #7 not be granted, the applicant is seeking to permit a lot frontage of 66.67' where 75' required and a lot area of 7,400 sq. ft. where 10,000 sq. ft. is required (request #10); to permit 20% of landscape open space where 25% is required (request #11) and to waive the required street trees and to permit a 1' wide landscape buffer along the right-of-way where 7' is required (request #12). The surrounding area is characterized by single-family residences developed under the RU-1 zoning district regulations. Six parcels to the west of the subject property is a mortgage company, and a real estate office can also be found on the block on the north side of SW 24 Street.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets Chapter 24 of the Miami-Dade County Code. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to this application. Included in their objection is the request to permit a two-way driveway having a width less than required. The Public Works Department requires that driveways must offset a minimum of 5 feet from the side property line. The Public Works Department also indicates in their memorandum that this land requires platting, and that road dedications and improvement will be accomplished through the recording of a plat. This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply. However, they do not object to the request to permit 40' of right-of-way dedication for the south half of SW 24 Street where 50' is required as no future widening is planned for this road.

The subject property is located in an area designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The Master Plan indicates that office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: (a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); (b) the lot or site size does not exceed one acre; and (c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area.

In addition, office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s), which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area.

The subject property meets certain of the aforementioned criteria of the Master Plan including that the subject property is less than one acre in size, is located on a major section line roadway (SW 24 Street), is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, and the subject frontage does not face an Estate Density area. Research indicates that the three westerly parcels on the corner of this block face located at 6494 – 6498 SW 24 Street were rezoned to BU-1 in 1984, pursuant to Resolution No. Z-137-84, and the property located at 6484 SW 24 Street, the sixth parcel to the west of the subject property on the same block face, was granted a use variance to permit a mortgage office in the RU-1 zoning district as it would be permitted in the RU-5A district. Accompanying requests included non-use variances of lot frontage, lot area, wall requirements, two-way drive requirements, a reduction of right-of-way requirements, setback requirements and a reduction of minimum required interior square footage, which were approved, pursuant to Resolution No. CZAB1011-00. Staff however, recommended denial without prejudice of said application due to the incompatibility of the proposed use and additional requests with the adjacent residential community. In contrast, a parcel located at 6470 SW 24 Street, three properties to the west of the subject property, was denied without prejudice a use variance to permit an office building in the RU-1 zoning district as would be permitted in the RU-5 district. Additional requests for lot area, lot frontage, two-way drive width, setbacks, right-of-way width requirements, landscape buffer and tree requirements were also sought and denied, pursuant to Resolution No. CZAB10-15-05. The Community Zoning Appeals Board 10 (CZAB-10) denied the application based on incompatibility of the proposed office use with the neighborhood and that it was a conflict with the principle and intent of the plan for the development of Miami-Dade County. The remaining parcels on this block are developed with single-family residences. Staff is of the opinion that the introduction of RU-5A zoning, Semi-Professional Office District, or office uses into this residential community is **inconsistent** with the guidelines of the CDMP for considering office uses in Residential Communities.



As evidenced by the excessive number of requests for adjustments from the Code, it is clear that the subject property is not suitable for a conversion into an office use. The reduced setbacks, lot area, lot frontage, driveway widths and the lack of the minimum landscape requirements will negatively impact the abutting properties to the south, east and west. The lack of landscaping on the site further exacerbates the negative impact of the potential uses and activity that would be generated by the proposed office use since less than the minimum required buffering would be provided. The smaller lot area and frontage is evidence that the site is not of sufficient size to accommodate the minimum requirements that an office use or an RU-5A zone requires in order to accommodate the two-way drive and landscape strips and buffers. Furthermore, the reduced setbacks will add to the lack of privacy and increased noise and activity that would be ongoing on the site. As such, staff is of the opinion that the proposed zone change to RU-5A and the uses allowed in said zone would be **incompatible** with the area.

The CDMP also indicates that office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to, traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area. Staff is of the opinion that the site plan submitted would have an unfavorable effect on the surrounding area as evidenced by the number of requested adjustments from the Code. A lesser landscape buffer strip than required along the east and south property lines and fewer trees and shrubs than required where abutting dissimilar land uses would be intrusive to the adjacent single-family residences. The proposed 16' width of the two-way drive would exacerbate the intrusion on the adjacent residence. Additionally, the requests for reduced setbacks, lot area, lot frontage, landscape buffers, landscape open space and the aforementioned narrower than permitted two-way driveway and reduced landscape requirements would be overly intensive for this site, would be intrusive to the residents in this area, and would have an unfavorable effect on the surrounding area. Since the application as proposed would have an unfavorable effect on the surrounding area, this application, as proposed, would be **inconsistent** with the CDMP. Should the Board determine that the aforementioned zoning requests would not have an unfavorable effect on the surrounding area, then this application could be deemed to be consistent with the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the

development is or will be accessible by public or private roads, streets or highways. The applicant is seeking approval for a district boundary change from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, with the intention of retrofitting the subject property's residence into an office building. Staff does not support this request. As previously mentioned, two parcels on the same block face sought use-variance requests instead of zone changes to permit office uses. As noted, staff did not support either of those applications. Staff is of the opinion that the requested zone change in this application will have an unfavorable effect on the area as this area is not appropriate for office uses and the trend of development is residential in nature. The development will be accessible by a major public road, however, due to the lack of a 20' wide two-way drive, auto stacking will occur on SW 24 Street as automobiles wait to enter as others exit the site which will burden adjacent properties and burden said roadway. Further, the development permitted by the application does not conform to the Comprehensive Development Master Plan as previously mentioned, is **incompatible** with the area and approval would not serve a public benefit. As such, staff recommends denial without prejudice of the zone change request from RU-1 to RU-5A.

Should the zone change request from RU-1 to RU-5A (request #1) be denied, the applicants are proposing an alternative request for a use variance to permit RU-5A uses in the RU-1 zoning district (request #2). Staff does not support this request, as well. A use variance, as indicated in Section 33-311(A)(4)(a), permits a use of land other than that which is prescribed by the zoning regulations. Section 33-311(A)(4)(a) further provides that the Board shall hear and grant applications for use variances from the terms of the zoning regulations that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulations. Staff is of the opinion that the applicants have not demonstrated any special conditions related to the subject site where the literal enforcement of the zoning regulations would result in unnecessary hardship since the subject property can be utilized for single-family residential use under the present RU-1 zoning district regulations. As previously noted, notwithstanding staff's recommended denial without prejudice, in 2000, CZAB-10 approved a use variance that allowed a mortgage office in the RU-1 zone and several accompanying non-use variances, pursuant to Resolution CZAB10-11-00, pertaining to the property located 6 lots to the west of the subject property. The approved non-use variances allowed a 50' lot frontage, a lot area of 5,000 sq. ft., a 40' dedication for the south side of SW 24 Street, a two-way drive varying in width from 9.35' to 9.75', the building setback 7.65' to 8.05' from the interior side (west) property line and varying from 9.35' to 9.75' from the interior side (east) property line, and waived the required 5' high decorative wall or wood fence. On the other hand, in January 2005, the CZAB 10 denied a similar application for a use-variance with accompanying requests, pursuant to Resolution No. CZAB10-15-05. Staff is of the opinion that this application should also be denied given that the subject property can be utilized as a single-family residence and that the use variance request does not meet the standards set forth in Section 33-311(A)(4)(a). As such, staff recommends that request #2 be denied without prejudice under same.

When analyzed under Section 33-311(A)(20), the Alternative Site Development Option for Semi-Professional Office Zoning District, requests #4 and #8 through #11 do not meet said standards. Request #4, to permit an office building setback a minimum of 7.73' (15' required) from the interior side (east) property line does not meet the minimum numerical ASDO

Standard in Section 33-311(A)(20)(c)(19)(A) which stipulates that the interior side setbacks shall not be reduced by more than 25% of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use. According to this standard, the minimum interior side setback to be considered is 11.25', which the requested at 7.73' does not meet. Request #8, to permit a lot frontage of 66.67' (75' required) and a lot area of 8,067 sq. ft. (10,000 sq. ft. required), meets some of the ASDO Standards, in that the proposed alternative development will not result in the creation of more than two (2) lots and that the frontage does provide vehicular ingress and egress onto the site [Sections 33-311(A)(20)(f)(3)(A) and (E). However, the request does not meet the numerical ASDO Standards in Sections 33-311(A)(20)(f)(3)(B) and (C)(i). Said standards stipulate that the size and dimensions of the lot shall be sufficient to provide all setbacks required by the applicable zoning district regulations, which it doesn't as evidenced by request #4, to permit an office building setback a minimum of 7.73' (15' required) from the interior side (east) property line, and that the lot area shall not be less than ninety percent (90%) of the lot area required by the applicable zoning district regulations, requiring a minimum lot area of 9,000 sq. ft., which the request does not meet. Request #9, to permit a 23% (25% required) landscape open space, does not meet the ASDO standards in Section 33-311(A)(20)(e)(7) and (8). Said standards stipulate that in reducing the amount of landscape open space, the total number of lot or street trees shall be increased by twenty percent (20%) from the number required by the underlying zoning district regulations, and a prorated additional number of shrubs shall also be provided commensurate with the increase in the number of trees. The minimum number of trees required on site is 14 with 140 shrubs, resulting in 17 trees and 170 shrubs minimum per this standard. However, as evidenced by requests #5 and #6, to permit less trees and shrubs, request #9 does not meet this standard. Accordingly, staff recommends denial without prejudice of requests #4, #8 and #9 under the ASDO Standards Section 33-311(A)(20).

Should request #7, to waive zoning regulations requiring SW 24 Street to be 100' in width to permit 40' of dedication (50' required) for the south half of Coral Way, be denied, the applicants are requesting to permit a lot frontage of 66.67' where 75' required and a lot frontage of 7,400 sq. ft. where 10,000 sq. ft. is required (request #10) and to permit a 20% landscape open space where 25% is required (request #11). As previously analyzed under the ASDO Standards for requests #8 and #9 above, requests #10 and #11 should also be denied without prejudice as these requests are for lesser lot area, lot frontage and landscape open space than requests #8 and #9 and do not meet the ASDO Standards. As such, requests #10 and #11 are recommended for denial without prejudice under the ASDO Standards, Section 33-311(A)(20).

When analyzing requests #3 through #12 under the Non-Use Variance Standards, Section 33-311(A)(4)(b), to permit a two way drive 16' in width where 20' is required (request #3), to permit an office building setback a minimum of 7.73' where 15' is required from the interior side (east) property line (request #4), to permit 4 buffer trees where 9 are required and provide a landscape strip of 3' where 5' is required between dissimilar land uses along the east and south property lines (request #5), to permit 80 shrubs where 140 are required (request #6), to waive the zoning regulations requiring SW 24 Street to be 100' in width to permit a 40' right-of-way dedication where 50' is required for the south half of Coral Way (request #7), to permit a lot frontage of 66.67' where 75' is required and a lot area of 8,067 sq. ft. where 10,000 sq. ft. is required (request #8), to permit a 23% landscape open space where 25% is required (request #9), or in the alternative to requests #7 - #9, to permit a lot frontage of 66.67' where 75' required and a lot area of 7,400 sq. ft. where 10,000 sq. ft. is required

(request #10), to permit 20% of landscape open space where 25% is required (request #11) and to waive the required street trees and to permit a 1' wide landscape buffer along the right-of-way where 7' is required (request #12), staff is of the opinion that approval of these requests would be incompatible with the area and would be detrimental to the community. As previously mentioned, in 2000, pursuant to Resolution No. CZAB1011-00, the property located at 6484 SW 24 Street, six parcels to the west of the subject property on the same block face, was granted a use variance to permit a mortgage office in the RU-1 zoning district as it would be permitted in the RU-5A district with accompanying non-use variance requests of lot frontage, lot area, wall requirements, two-way drive requirements, a reduction of right-of-way requirements, setback requirements and a reduction of minimum required interior square footage for the office building. Staff however, recommended denial without prejudice of said application due to the incompatibility of the proposed use and additional requests with the adjacent residential community. However, in 2005, a parcel located closer to the subject property (three properties to the west) at 6470 SW 24 Street, was denied without prejudice a use variance to permit an office building in the RU-1 zoning district as would be permitted in the RU-5 district, also with additional non-use variance requests for lot area, lot frontage, two-way drive width, setbacks, right-of-way width requirements, landscape buffer and tree requirements, pursuant to Resolution No. CZAB10-15-05. According to CZAB-10, the application was incompatible with the neighborhood and was in conflict with the principle and intent of the plan for the development of Miami-Dade County. Staff also recommends denial without prejudice of the applicant's requests, as they would also be a detriment to the residential neighborhood. It is evident by the number of adjustment (non-use variance) requests for the site, either with the zone change (request #1) or the Alternative Use Variance (request #2), that the single-family residential site is not of adequate size to support the type of use requested and that the trend of development of the area is still residential in nature. The abutting residential properties will be visually and aurally affected by the traffic and activity generated by the proposed uses. The requested variances of the minimum zoning district regulations will cause a burden to the abutting neighbors and the community. The lack of the minimum landscape requirements, the reduced setbacks, lot area, and lot frontage will be a burden to the abutting properties as the site is not of sufficient size to provide the minimum requirements for the proposed use. The site would not provide buffering elements to minimize the negative impacts that could be generated. And although the Public Works Department does not object to request #7, to permit a 40' of right-of-way dedication where 50' is required for the south half of SW 24 Street (Coral Way), staff is of the opinion that this request is an integral part of and germane to requests #1 and #2, and should be denied without prejudice. As such, staff recommends denial without prejudice of requests #3 through #12 under the Non-Use Variance Standards.

When analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicants would have to prove that requests #3 through #12 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, the applicants have not proven that compliance with same would result in an unnecessary hardship, therefore these requests cannot be approved under the Alternative Non-Use Variance Standards. As such, requests #3 through #11 are recommended for denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

Staff is of the opinion that requests #3 through #12 are germane to and an integral part of request #1 or in the alternative request #2, and as such should be denied without prejudice. Accordingly, staff recommends denial without prejudice of this application.

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

**DATE INSPECTED:** 03/09/06

**DATE TYPED:** 04/18/06

**DATE REVISED:** 04/25/06; 05/01/06; 05/12/06; 05/17/06; 06/06/06; 06/08/06; 06/16/06

**DATE FINALIZED:** 06/16/06

DO'QW:AJT:MTF:LVT:JV:CSE



Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning



# Memorandum

RECEIVED

FEB 03 2006

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

**Date:** January 25, 2006

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

**Subject:** C-10 #Z2005000322-Revised  
Idalberto & Eloisa Rodriguez  
6422 SW 24<sup>th</sup> Street  
District Boundary Change from RU-1 to RU-5A, & Non-Use Variance of Setback, Lot  
Area and Frontage Requirements  
(RU-1) (0.18 Ac.)  
13-54-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal:

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM would not object to the interim use of a septic tank and drainfield, provided that the following items are satisfied:

1. The proposed development shall not exceed the maximum sewage loading allowed by Section 24-43.1(4)(b) of the Code. Based on available information, the maximum sewage loading for this site would allow the proposed development.
2. Pursuant to Section 24-43.1(4)(a) of the Code, the owner of the property has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMF for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: IDALBERTO & ELOISA RODRIGUEZ

This Department objects to this application.

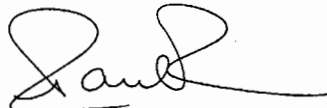
This Department objects to the request to permit a two-way driveway to have a width less than required. (20 feet required)

Driveways must offset a minimum of 5 feet from side lot property line. Refer to Standard Detail R12.2 of the Public Works Manual of Miami-Dade County.

This Department has no objections to the request to permit 40 feet of dedication for the south half of SW 24 Street where 50 feet is required. The road is presently constructed and no future widening is planned for SW 24 St.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

22-APR-06



# Memorandum



**Date:** 22-MAY-06

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department

**Subject:** Z2005000322

## Fire Prevention Unit:

Not applicable to Fire Water Engineering Site Requirements.

## Service Impact/Demand:

Development for the above Z2005000322  
located at 6422 SW 24 ST  
in Police Grid 1490 is proposed as the following:

_____ dwelling units	_____ square feet
residential	industrial
1,020 square feet	_____ square feet
Office	institutional
_____ square feet	_____ square feet
Retail	nursing home/hospitals

Based on this development information, estimated service impact is: 0.21 alarms-annually.

## Existing services:

The Fire station responding to an alarm in the proposed development will be:  
Station 40 West Miami 975 SW 62 Avenue  
Rescue

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:  
None

## Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped October 7 2005. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 03/23/06

REVISION 1

# TEAM METRO

## ENFORCEMENT HISTORY

IDALBERTO & ELOISA RODRIGUEZ

6422 SW 24 ST

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**APPLICANT**

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**ADDRESS**

Z2005000322

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**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

03/23/2006 Inspection Conducted  
03/23/2006 No Current Violations

**LEGAL DESCRIPTION:**  
WEST 16.76 FT. OF LOT 3 & ALL OF LOT 4 LESS N. 15 FT. FOR STREET, BLOCK 2 OF CORAL VILLAS REVISED ACCORDING TO THE PLAT BOOK 8 AT PAGE 27 OF THE PUBLIC RECORDS OF DADE COUNTY FLA.

**SITE DATA:**

ZONING: R-1 TO BE RE ZONED RU-1-A  
LOT SIZE: 66.67' X 121.00' = 8067 SF (NET)  
2266 SF (GROSS)

EXISTING BUILDING: 1020 SF (TO REMAIN)  
10733 SF (GROSS)

PARKING REQUIRED: 1020/300 = 3.4 SPACES  
PARKING PROVIDED: 9 SPACES

LANDSCAPING REQUIRED: 15% OR 1210 SF.  
LANDSCAPING PROVIDED: 21% OR 1721 SF.  
(REFER TO LANDSCAPE LEGEND THIS PAGE)

MAXIMUM LOT COVERAGE: 40% = 3226 SF.  
EXISTING: 112% = 1020 SF.

OPEN SPACE REQUIRED: 25%  
PROVIDED: 85%

SET BACKS: FRONT: 35 FT. REQ. 45 FT. PROVIDED  
REAR: 25 FT. REQ. 45 FT. PROVIDED

SIDES: 15 FT. REQ. 21 FT. & 7.73 FT. PROVIDED

MAX. HT. 2 STORIES 24 FT. EXISTING BUILDING: 1 STORY 14 FT. HT.

**LANDSCAPE LEGEND**

Zone: Buffer: 50' / 4'

Net Lot Area: 116,000 sq. ft.

**OPEN SPACE**

Zone: Buffer: 50' / 4'

Net Lot Area: 116,000 sq. ft.

**LANDSCAPING**

Zone: Buffer: 50' / 4'

Net Lot Area: 116,000 sq. ft.

**LANDSCAPING**

Zone: Buffer: 50' / 4'

Net Lot Area: 116,000 sq. ft.

**LANDSCAPING**

Zone: Buffer: 50' / 4'

Net Lot Area: 116,000 sq. ft.

**LANDSCAPING**

Zone: Buffer: 50' / 4'

Net Lot Area: 116,000 sq. ft.

**LANDSCAPING**

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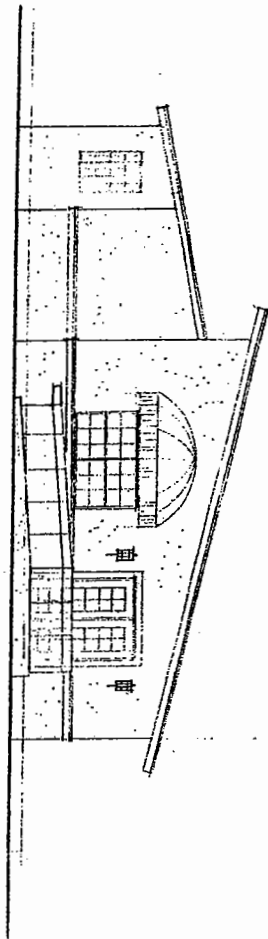
Zone: Buffer: 50' / 4'

Net Lot Area: 116,000 sq. ft.

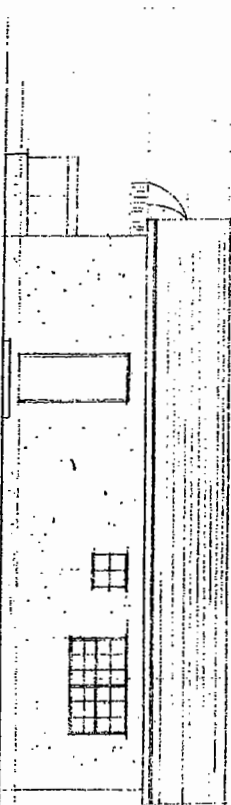
**LANDSCAPING**

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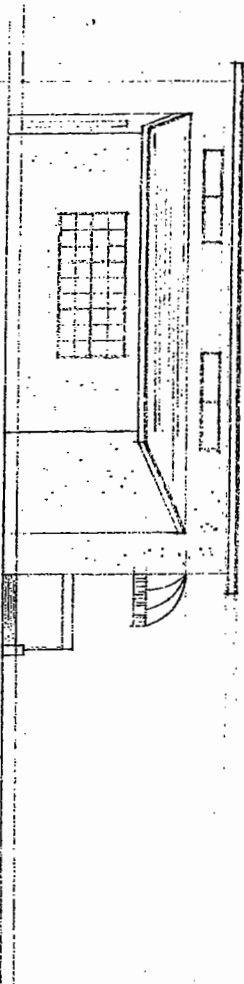
Net Lot Area: 116,000 sq. ft.



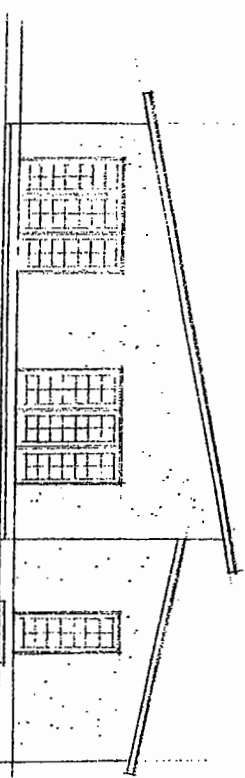
FRONT ELEVATION  
1/4"



RIGHT SIDE ELEVATION  
1/4"

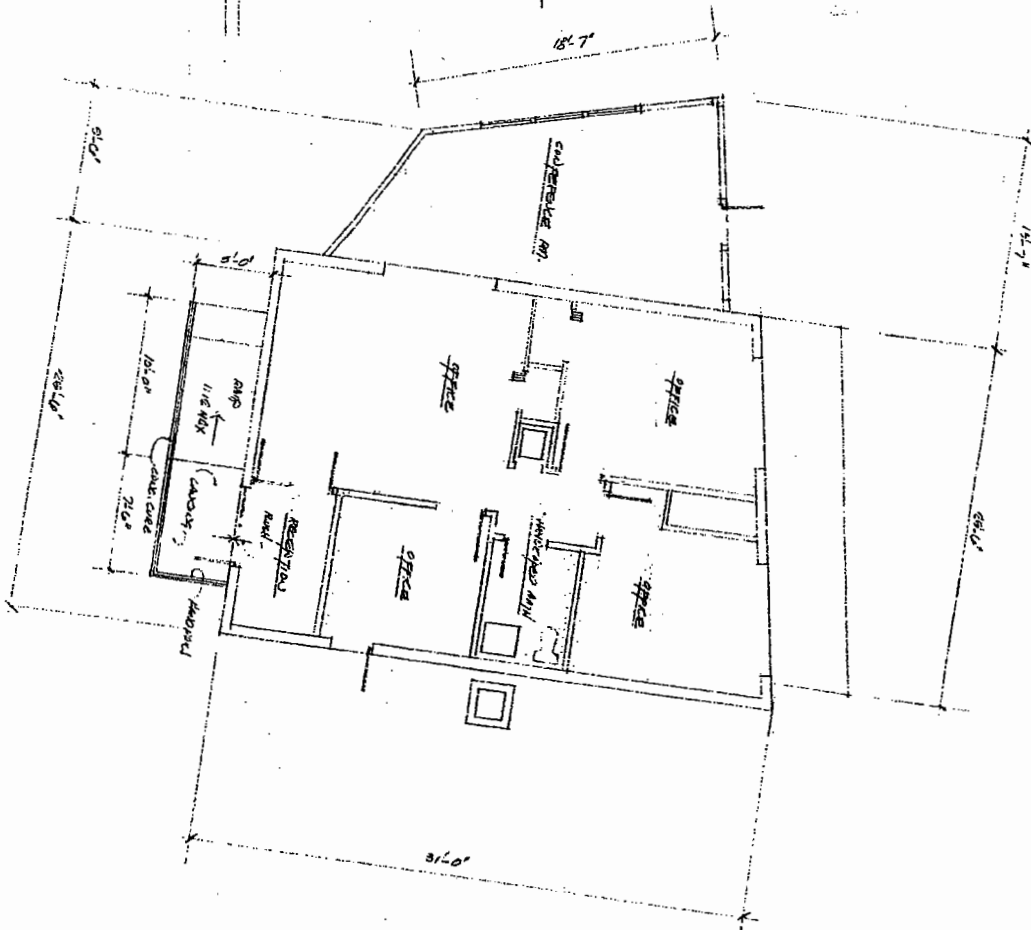


LEFT SIDE ELEVATION  
1/4"



REAR ELEVATION  
1/4"

PROPOSED ELEVATIONS



PROPOSED FLOOR PLAN  
1/4"





MIAMI-DADE COUNTY  
**AERIAL**

Section: 13 Township: 54 Range: 40  
Process Number: 05-322  
Applicant: IDALBERTO & ELOISA RODRIGUEZ  
Zoning Board: C10  
District Number: 6  
Drafter ID: JEFFER  
Scale: NTS

S C A L E  
0 NTS N



SUBJECT PROPERTY

